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Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22 to 26 May 2006

Elements for assessing the adequacy and effectiveness of the Agreement

The following table presents recommended elements for use by the Review Conference in reviewing and assessing the adequacy of the provisions of the Agreement. Many of the elements relate to the actions of States parties, individually and through RFMOs,[a] in giving effect to various provisions of the Agreement. With respect to those elements, it might be useful for the Review Conference to consider:

(a) The extent to which those provisions have been incorporated into national laws and regulations, as well as into the charters and/or measures of the RFMOs;

(b) The extent to which those provisions are actually being applied in practice;

(c) The extent to which States and RFMOs are taking action to remedy instances of failure to apply those provisions in practice.

[a] For purposes of this table, "RFMO" includes any subregional or regional fisheries management organization or arrangement with the competence to establish conservation and management measures for any straddling fish stock or highly migratory fish stock.

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UNFSA part	*General elements*	*Detailed elements*
II. Conservation and management of stocks	Adoption of measures	Extent to which States parties, individually and through RFMOs, have adopted measures, based on the best scientific evidence available and the precautionary approach, to ensure long-term sustainability of straddling fish stocks and highly migratory fish stocks, in accordance with articles 5-7 and annex II, including for new and exploratory fisheries.
	Overfishing and capacity management	Extent to which States parties, individually and through RFMOs, have taken measures to prevent or eliminate overfishing and excess fishing capacity.
	Effects of fishing on the marine environment	Extent to which States parties, individually and through RFMOs, have taken measures to implement ecosystem approaches to fisheries management, including by minimizing catch of non-target species and by protecting habitats of specific concern, in accordance with article 5 (d)-(g) and article 6 (3) (d).
	Fisheries not regulated by an RFMO	Extent to which States parties have cooperated to address fisheries for straddling fish stocks or highly migratory fish stocks that are not regulated by an RFMO, in accordance with part III generally, particularly articles 8 (2) and (5), 9 and 14. Extent to which States parties are cooperating to establish new RFMOs where needed for the conservation and management of major straddling fish stocks and highly migratory fish stocks, in accordance with article 8 (5).
	Data collection and sharing	Extent to which States parties, individually and through RFMOs, collect and share, in a timely manner, complete and accurate data concerning fishing activities on straddling fish stocks and highly migratory fish stocks, including for new or exploratory fisheries and fisheries not regulated by an RFMO, in accordance with articles 5 and 14, and annex I.

UNFSA part	*General elements*	*Detailed elements*
III. Mechanisms for international cooperation; non-members and IV.	Integrity of RFMO regimes	Extent to which States parties whose vessels fish for any straddling fish stocks and highly migratory fish stocks under the purview of any RFMO have either joined or agreed to join that RFMO or applied the measures adopted by such RFMO to the fishing activities of its vessels.
	Fishing activity by non-members	Extent of fishing activity for straddling fish stocks and highly migratory fish stocks by vessels of States parties that are not members or "cooperating non-members"[b] of relevant RFMOs. Measures to deter such activity.
	Functioning of RFMOs	Extent to which RFMOs established prior to the Agreement have modernized their procedures and practices in accordance with the Agreement. Extent to which all RFMOs are fulfilling functions set forth in article 10, determining the participatory rights of new members in accordance with article 11 and operating in accordance with the transparency provisions of article 12.
	Participatory rights	Extent to which RFMOs have agreed, as appropriate, on participatory rights, such as allocations of allowable catch or levels of fishing effort.
V. Monitoring, control and surveillance; and VI. compliance and enforcement	Implementation of flag State duties	Extent to which States parties are fulfilling their duties as flag States under article 18 relating to: licensing and authorization of vessels; establishing national records of vessels; marking of vessels and gear; reporting and catch verification; monitoring, control and surveillance; and trans-shipment regulation.
	Investigation, penalization for violations	Extent to which flag States parties are expeditiously carrying out relevant investigations and judicial proceedings, and imposing sanctions in respect of violations, in accordance with article 19.

[b] For the purposes of the present table, "cooperating non-members" refers to States that are not members of a relevant RFMO but that have agreed to apply the measures of that RFMO.

UNFSA part	*General elements*	*Detailed elements*
	Use of port State measures	Extent to which port States parties have adopted measures to promote the effectiveness of RFMO measures. Extent to which RFMOs have adopted such measures.
	International cooperation	Extent to which States parties, individually and through RFMOs, cooperate to ensure compliance with and enforcement of conservation and management measures for straddling fish stocks and highly migratory fish stocks, in accordance with articles 10 (h), 20 and 22.
VII. Developing States	Recognition of special requirements, provision of assistance, capacity-building	Extent to which States parties, individually and through RFMOs and other relevant mechanisms, are taking into account the special requirements of developing States and are increasing the capacity of such States in implementing the Agreement, including by providing assistance. Extent to which developing States parties are gaining such capacity.
IX. Non-parties	Increasing adherence to United Nations Fish Stocks Agreement	Movement of additional States towards becoming party to the United Nations Fish Stocks Agreement. Impediments that have prevented some States from becoming party, such as issues relating to articles 7, 21 and 22.